

1 IN THE UNITED STATES DISTRICT COURT FOR THE
2 NORTHERN DISTRICT OF OKLAHOMA
3
4

5 W. A. DREW EDMONDSON, in his)
6 capacity as ATTORNEY GENERAL)
7 OF THE STATE OF OKLAHOMA and)
8 OKLAHOMA SECRETARY OF THE)
9 ENVIRONMENT C. MILES TOLBERT,)
10 in his capacity as the)
11 TRUSTEE FOR NATURAL RESOURCES)
12 FOR THE STATE OF OKLAHOMA,)

13 Plaintiff,)

14 vs.)

15 TYSON FOODS, INC., et al,)

16 Defendants.)

17 4:05-CV-00329-TCK-SAJ

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19 VOLUME II OF VIDEOTAPED

20 DEPOSITION OF EUGENE WELCH, PhD, produced as a
21 witness on behalf of the Defendants in the above
22 styled and numbered cause, taken on the 15th day of
23 August, 2008, in the City of Tulsa, County of Tulsa,
24 State of Oklahoma, before me, Lisa A. Steinmeyer, a
25 Certified Shorthand Reporter, duly certified under
and by virtue of the laws of the State of Oklahoma.

1 (Whereupon, the deposition began at
2 8:32 a.m.)

3 VIDEOGRAPHER: We are now on the Record for
4 Volume II of the deposition of Dr. Eugene Welch.
5 Today is August 15, 2008. The time is 8:32 a.m. 08:32AM
6 Would counsel please identify themselves for the
7 Record?

8 MR. PAGE: David Page for the State of
9 Oklahoma.

10 MR. BASSETT: Woody Bassett and James 08:32AM
11 Graves for George's.

12 MR. BOND: Michael Bond for Tyson Foods,
13 Tyson Poultry, Tyson Chicken and Cobb-Vantress.

14 MS. HILL: Theresa Hill for Cargill, Inc.,
15 and Cargill Turkey Production, LLC. 08:32AM

16 MS. LONGWELL: Nicole Longwell on behalf of
17 Peterson Farms.

18 VIDEOGRAPHER: And on the phone?

19 MR. PAGE: On the phone you want to
20 identify yourself, please? 08:32AM

21 MS. GRIFFIN: Jennifer Griffin for Willow
22 Brook Foods.

23 MS. BRONSON: Vicki Bronson for Simmons
24 Foods.

25 EUGENE WELCH, PhD

1 having previously been duly sworn to testify the
2 truth, the whole truth and nothing but the truth,
3 testified as follows:

4 CONTINUED DIRECT EXAMINATION

5 BY MR. BASSETT: 08:33AM

6 Q Good morning, Dr. Welch.

7 A Hello there.

8 Q How are you this morning?

9 A Fine.

10 Q Good, good. I want to go back over just a few 08:33AM

11 things that I think I missed yesterday or that I
12 want to follow up on some questions that were asked

13 yesterday. There were several people mentioned

14 either in your testimony or somewhere in the

15 materials and I don't think I asked you about them. 08:33AM

16 Who is Monty Porter?

17 A I don't know.

18 Q Okay. Who is Robert, and I may be pronouncing
19 this incorrectly, who is Robert van Waasbergen?

20 A van Waasbergen. 08:33AM

21 Q How do you pronounce it?

22 A van Waasbergen.

23 Q Okay. Who is Mr. van Waasbergen?

24 A He handles the database.

25 Q For who? 08:33AM

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1 Q Okay. Do you know whether or not Tetra Tech
2 has done any modeling for the State of Oklahoma with
3 respect to the Illinois River watershed?

4 A Yeah, I do.

5 Q And -- 04:00PM

6 A They created a model for Tenkiller.

7 Q Have you seen any output files for that model?

8 A I think I did.

9 Q Did you rely or consider --

10 A No, I didn't. 04:01PM

11 Q Well, you looked at them; right?

12 A I looked at them.

13 Q Okay, and you decided not to use them?

14 A Well, we were trying to decide do we want
15 to -- who do we want to do this, and so contacted a 04:01PM

16 couple of people and went to an outfit called
17 Dynamic Solutions, and I talked to them, and they
18 had the Tetra Tech model. Tetra Tech didn't have --

19 well, Tetra Tech might have had it. That's who
20 generated it, and these guys -- actually this 04:01PM

21 particular person moved from Tetra Tech to Dynamic
22 Solutions, and he was willing to do it, and it
23 didn't go past there.

24 Q Do you know that person's name?

25 A I was on his PhD committee. Let's see. 04:02PM

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1 Andy -- first name is Andy. Andy -- I can't think
2 of it right now.

3 Q You're on his PhD committee?

4 A Uh-huh, a long time ago.

5 Q Where?

04:02PM

6 A University of Washington.

7 Q So a model had already been done on the
8 Illinois River watershed?

9 A Uh-huh.

10 MR. PAGE: Object to the form.

04:02PM

11 Q Is there something wrong with that model?

12 A Well, not on the Illinois River -- well, it
13 was a combination of the watershed and Tenkiller.

14 Q Okay. Was there something wrong with that
15 model as to why --

04:02PM

16 A I don't know. I didn't really evaluate it.

17 Q Okay. Do you know why it's not being used in
18 this case?

19 A No, I don't.

20 Q Are you interested in the results from that
21 model?

04:03PM

22 A No.

23 Q Okay. You're not interested in the results
24 from another model that presumably encompasses Engel
25 and Wells' model?

04:03PM

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1 **A** Yeah, but that model used different data to
2 calibrate to 1993, and I looked at it. I mean, I'm
3 confident with Wells' model.

4 **Q** Did that model do a phosphorus load allocation
5 to Lake Tenkiller?

04:03PM

6 **A** I think it -- well, it did a watershed runoff
7 model. I don't know what it looked like or anything
8 else, but it was the whole package.

9 **Q** Do you remember if it identified sources of
10 phosphorus?

04:04PM

11 **A** I don't remember that at all. I never even
12 asked that question because I was more interested in
13 Tenkiller, how it would do.

14 **Q** Okay. Do you recall any results or anything
15 related to that model that -- strike that. When Mr.
16 Bassett was asking you questions, you guys talked
17 about Exhibit 35, which would be somewhere; do you
18 remember that exhibit?

04:04PM

19 **A** Yes.

20 **Q** Okay. Let's -- what would be the purpose of
21 publishing your work on the Illinois River
22 watershed?

04:05PM

23 **A** My purpose, if I were to commit to such a
24 thing, would be to -- we got some pretty good data,
25 and it's been for furthering scientific literature

04:05PM